

ATTORNEY SETTLEMENT CONFERENCE PREPARATION

- Prior to the settlement conference, discuss with client:
 - His/her goals and interests;
 - His/her preliminary bottom-line settlement offer/demand;
 - The strengths and the weaknesses of the case;
 - The risks/benefits of not settling, including:
 - dismissal/summary judgment;
 - emotionally difficult, legally difficult and/or lengthy trial;
 - judgment by a jury of strangers with various backgrounds, perspectives and biases;
 - unfavorable verdict, including as applicable:
 - no cause
 - high damage award
 - risks and length associated with appeals;
 - accumulation of costs.
- Prepare client by explaining:
 - The settlement conference process;
 - That Judge Stafford will maintain confidentiality of discussions;
 - That the conference may be emotionally difficult;
 - That Judge Stafford will bluntly address weaknesses of his/her case;
 - That client should come to settlement conference with an open, creative and flexible mind for finding common ground;
 - That the opposing party's perspective is equally important.

Attorneys and clients alike must be honest with Judge Stafford and refrain from posturing.